

FILED

1 **Marguerite DeSelms**
2 **984 W 3rd St**
3 **San Pedro, CA 90731**
4 **310-427-1008**
5 **Plaintiff In Pro Per**

2012 OCT 12 PM 2:27

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: [Signature]

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

CASE #

CV12-8765 JAK (FFM)

13 **MARGERITE DESELMS**
14 **Plaintiff,**

15 **vs**

16 **CAPITAL MANAGEMENT**
17 **SERVICES, LP**
18 **Defendant**

)
) **COMPLAINT FOR:**

) **Action for Damages brought from**
) **Defendant: violations of the**
) **FTCPA, FDCPA, FCRA, AND**
) **RFDCPA**

) **JURY TRIAL DEMANDED**
)

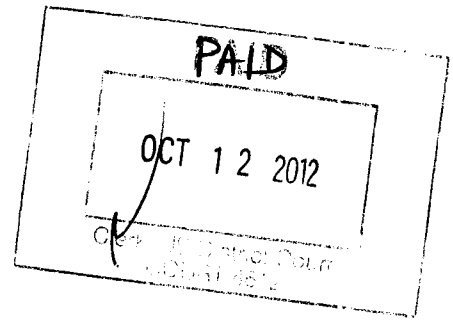
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21
22 **I. JURISDICTION**

23 1. Jurisdiction of this Court arises under 15 U.S.C. §1681p, 47 U.S.C.

24 §227(b)(3), 15 U.S.C. §1692k(d), Rosenthal Fair Debt Collection Practices

25 Act (RFDCPA), and supplemental jurisdiction exists for the state law claims

26
27 pursuant to 28 U.S.C. §1367.
28



CAIS-BAPE

II. VENUE

2. Venue is proper pursuant to 28 U.S.C. §1391b. Venue in this District is proper in that the Plaintiff resides here, the Defendants transact business here, and the conduct complained of occurred here. This is an action for damages which total at least \$13,000.

III. PARTIES

3. Plaintiff, Marguerite DeSelms, ("Plaintiff") is a natural person and is a resident of the State of California, Los Angeles County. Plaintiff is a consumer as defined by the FDCPA, 15 U.S.C. §1692a(3)
4. Defendant, Capital Management Services, L.P. ("Defendant") is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C. §1692a(5). Upon information and belief Defendant, Capital Management Services, L.P. ("Defendant") is a foreign corporation, not authorized to do business in California, and located at 726 Exchange St, Suite 700, Buffalo, NY 14210. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

//

//

//

IV. STATEMENT OF FACTS

5. Plaintiff, Marguerite DeSelms, individually, hereby sues, Defendant(s) Capital Management Services, L.P., as an action for damages and injunctive relief brought by Plaintiff against Defendants for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 USC § 227(b)(1), 47 USC § 227(a) (iii); for violations of Fair Debt Collection Practices Act under 15 USC, §1692 *et seq* (hereinafter “FDCPA”); for violations of Fair Credit Reporting Act (hereinafter “FCRA”) under 15 U.S.C. §1681 *et seq.*; and for violations of Rosenthal Fair Debt Collection Practices Act §1788 (hereinafter “RFDCPA”).
6. Plaintiff contends that the collection company Defendant has violated such laws by repeatedly harassing Plaintiff in attempts to collect alleged but nonexistent debt.
7. From July 15 thru October 17, 2011, Defendant left 2 recorded messages using automatic telephone dialing system on Plaintiff’s cell phone, dialing and hanging up.
 - a. July 15, 2011, 8:13 a.m., caller id 864-331-5700, “Pam”
 - b. September 20, 2011, 9:37 a.m., caller id 864-331-5700, no identification

1 c. September 20, 2011, 11:27 a.m. caller id 866-634-9003

2 d. September 24, 2011, 11:32 a.m. caller id 800-957-8394

3 e. October 17, 2011 11:57 A.M., caller id 866-634-9003

4 f. October 17, 2011 11:59 a.m. caller id 866-634-9003

5
6 8. From July 15 thru October 17, 2011, Defendant called Plaintiff's cell phone 6
7 times with no prior permission given by Plaintiff.

8
9 9. On July 15 and September 20, 2011, Defendant left recorded messages on
10 Plaintiffs cell phone without express permission.

11
12 10. Plaintiff has retained 2 recorded calls in MP3 files and scanned copies of calls
13 coming in on cell phone.

14
15 11. Defendant mailed debt collection letters to Plaintiff dated November 4, 2010,
16 April 2, 2011, two letters dated July 17, 2011 for two different amounts stating
17 due, and July 24, 2011.

18
19 12. Plaintiff mailed two separate debt validation letters, both dated August 6, 2011,
20 via certified mail, returned receipt dated August 13, 2011, asking to validate
21 the alleged debt they claimed I owed them.

22
23 13. Defendant mailed two letters to Plaintiff, postmarked August 17, 2011,
24 acknowledging my request of validation, and defendant stated in letter that
25 they would contact their client to acquire information to validate the debt.

26
27 14. Plaintiff never received proper, valid, validation of the debt from Defendant.
28

- 1 15. Plaintiff received another debt collection letter from Defendant dated October
2 12, 2011, after Plaintiff requested validation of alleged debt, and never having
3 received validation of alleged debt from Defendant.
4
- 5 16. On July 12, 2012, Plaintiff called Defendant's office phone number and Plaintiff
6 was referred to a compliance manager by a person named Keith and then
7 another person named Carl Rinehart (spelling uncertain), where Plaintiff then
8 left a voicemail message to call her to discuss the alleged debt.
9
- 10 17. On July 13, 2012, Plaintiff called the Compliance Manager's contact number
11 she was given and left a message stating she would be filing a lawsuit against
12 Defendant, and would Defendant be interesting in settling the matter outside
13 of court, before having to file a lawsuit.
14
- 15 18. Defendant never received any return call or email from Defendant
16 acknowledging Plaintiff's attempt to settle the matter outside of a lawsuit.
17
- 18 19. On July 13, 2012, Plaintiff mailed a letter via certified mail, stating there was a
19 Notice of Pending Lawsuit, waiting to be filed in federal court against the
20 Defendant.
21
- 22 20. Plaintiff never received any response to the Notice of Pending Lawsuit letter
23 from the Defendant, whereby Plaintiff thus decided to move forward in filing a
24 federal complaint against the Defendant for violations of FDCPA, FDCPA,
25 TCPA, and FCRA.
26
27
28

V. CAUSES OF ACTION

(FIRST CAUSE OF ACTION)

(VIOLATIONS OF THE TELEPHONE COMMUNICATIONS ACT

47 U.S.C. §227)

(As against Defendant(s) Capital Management Services, L.P.)

21. Plaintiff alleges and incorporates the information in paragraphs 1 through 20.

22. Defendant has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) by using an automatic telephone dialing system to call the Plaintiff's number, which is assigned to a cellular telephone service.

23. Defendant has committed 6 separate violations of 47 U.S.C. §227(b)(1)(A) and Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B).

24. Defendant has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) The last 6 calls are subject to treble damages pursuant to 47 U.S.C. §227(b)(3) as they were intentional.

25. Defendant has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) by calling the Plaintiff's number, which is assigned to a cellular telephone service. The Plaintiff has never given Defendant permission to call Plaintiff's cell phone. Plaintiff is entitled to damages of

1 \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B). Plaintiff and
2 Defendant do not have an established business relationship within the
3 meaning of 47 U.S.C. §227.
4

5 **(SECOND CAUSE OF ACTION)**

6 **(VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA),**
7

8 **15 U.S.C. §1692)**

9 **(As against Defendant(s) Capital Management Services, L.P.)**

10 26. Plaintiff alleges and incorporates the information in paragraphs 1 through 25.
11

12 27. Defendants caused the phone to ring repeatedly, violating §1692d(5)

13 28. Defendants placed telephone calls and left messages without disclosing their true
14 identity, violating §1692d(6.)
15

16 29. Defendants engaged in false or misleading representations in communications
17 or means in connection with the debt collection, violating §1692e.
18

19 30. Defendants violated §1692e (10) by the use of any false representation or
20 deceptive means to collect or attempt to collect any debt or to obtain
21 information concerning a consumer.
22

23 31. Defendants violated §1692e(11) by failing to contain the mini-Miranda
24 warning.
25

26 32. Defendants violated §1692e (14) by leaving a name other than the true name of
27 the debt collector's business.
28

33. Defendants violated §1692f(1) by attempting to collect any amount not authorized by the agreement creating the debt or permitted by law.

34. Defendants violated §1692g(B) by continuing collection efforts without validating the alleged debt, by mailing another debt collection letter dated October 12, 2011.

(THIRD CAUSE OF ACTION)

VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681

(As against Defendant(s) Capital Management Services, L.P.)

35. Plaintiff alleges and incorporates the information in paragraphs 1 through 34.

36. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

37. Defendants are a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

38. Defendants negligently violated the FCRA. Defendant's violations include, but are not limited to, the following:

Defendants negligently violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by 15 U.S.C. §1681b. three times:

- a. July 17, 2011, one hard pull from Equifax. (demand \$1000 for this violation)

1 b. April 2, 2011, one hard pull from Equifax . (demand \$1000 for this
2 violation)

3
4 c. November 4, 2010, one hard pull from Equifax (demand \$1000 for this
5 violation)

6
7
8 **(FOURTH CAUSE OF ACTION)**

9 **VIOLATION OF Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code***

10 **§1788 et seq. (RFDCPA)**

11
12 **(As against Defendant(s) Capital Management Services, L.P.)**

13 39. Plaintiff alleges and incorporates the information in paragraphs 1 through 38.

14 40. Plaintiff is a consumer within the meaning that is defined by *Cal. Civ. Code* §
15 1788.2(h)

16
17 41. Defendants are debt collectors within the meaning of §1788.2(c)

18 42. Defendants violated §1788.11(b) by placing telephone calls and leaving
19 messages without disclosing the agency that they represent.

20 43. Defendants violated §1788.11(d) causing the telephone to ring repeatedly and
21 continuously so as to annoy the Plaintiff.

22 44. Defendant violated §1788.11(e) of the RFDCPA by placing collection calls to
23 Plaintiff with such frequency as to be unreasonable and to constitute
24 a harassment to Plaintiff under the circumstances.
25
26
27
28

1 45. Defendant violated §1788.13(i) by falsely representing the true nature of the
2 business of the defendant by leaving messages on the Plaintiff's cell phone
3 voice message system that were vague and misleading.
4

5 46. Defendant violated the §1788.17 of the RFDCPA by continuously failing to
6 comply with the statutory regulations contained within the FDCPA, 15
7 U.S.C. §1692 *et seq.*
8

9 i. Defendant violated §1692d of the FDCPA by engaging in conduct the
10 natural consequence of which is to harass, oppress, or abuse the
11 Plaintiff.
12

13 ii. Defendant violated §1692d(5) of the FDCPA by causing a telephone to
14 ring repeatedly and continuously with the intent to annoy, abuse,
15 and harass Plaintiff.
16

17 **VI. REQUEST FOR RELIEF**

18
19 **WHEREFORE**, the Plaintiff requests :

20 47. judgment for damages against Defendant, for actual or statutory damages and
21 punitive damages in the amount of \$13,000, plus fees and costs, pursuant to
22 15 USC 1692k(2) and 15 U.S.C. §1681n (a) (3) and 1681n(b) and 15 U.S.C.
23 §1681o (a); Telephone Consumer Collection Practices Act: 47 USC Sec. 227
24 (f) (1); the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code*
25 §1788.30(b) and §1788.30 (c), and Costs pursuant to the Rosenthal Fair
26
27
28

1 Debt Collection Practices Act, *Cal. Civ. Code §1788.30(c)*; removal of
2 unpermissible pulls in credit report, and any other relief that this Honorable
3 Court deems appropriate.
4

5
6 **VII. DEMAND FOR JURY TRIAL**

7 Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.
8

9
10 Respectfully submitted this 12th of October, 2012.
11

12
13
14 
15

16 Marguerite DeSelms
17 Plaintiff In Pro Per
18 984 W 3rd St
19 San Pedro, California 90731
20 310-427-1008
21 mdeselms@wt.net
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John Kronstadt and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

CV12- 8765 JAK (FFMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

MARGUERITE DESELMs

Plaintiff

v.

CAPITAL MANAGEMENT SERVICES, L.P.

Defendant

FOR OFFICE USE ONLY

Civil Action No.

CV12-8765

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) *[REDACTED]*

A lawsuit has been filed against you.

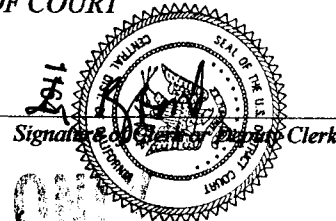
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

MARGUERITE DESELMs
984 W 3RD ST
SAN PEDRO, CA 90731

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 10/12/2012



FOR OFFICE USE ONLY

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/> MARGUERITE DESELMs	DEFENDANTS CAPITAL MANAGEMENT SERVICES, L.P. 726 EXCHANGE ST, SUITE 700 BUFFALO, NEW YORK, 14210 800-457-8220
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) MARGUERITE DESELMs 984 W 3RD ST, SAN PEDRO, CA 90731 310-427-1008	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:47%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$ 13,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Fair Debt Collection Practices Act 15 USC Sec. 1692; Fair Credit Reporting Act (15 USC Sec. 1681); Telephone Consumer Protection Act (47 USC Sec 227)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☐ No ☒ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	New York

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

M. DeSousa

Date

10-12-12

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))